Remarks

The present application has been reviewed in light of the Office Action dated November 1, 2007. There are no amendments made in connection with filing this Response. Claims 1-3, 6-7, 9-14 and 16-21 are currently pending in this application.

Claims 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Prabhu et al. (US 7,019,778). Claims 1-3, 6, 7, 9-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being obvious over Prabhu et al. (US 7,019,778) in view of **Asada** (US 2003/0030732) and Hatanaka (US 6,438,320).

As detailed below, Applicant respectfully submits that the above-stated rejection of claims 1-3, 6, 7, 9-14 and 20-21 is defective at least for the reason that Asada (US 2003/0030732) is <u>not</u> a valid prior art reference to be cited to reject the present invention. Applicant sincerely requests the Examiner to reconsider the rejections in view of the following remarks.

Discussion of Claims 1-3, 6, 7, 9-14 and 20-21

As stated above, claims 1-3, 6, 7, 9-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being obvious over Prabhu et al. (US 7,019,778) in view of Asada (US 2003/0030732) and Hatanaka (US 6,438,320).

Applicant respectfully submits that this rejection is defective at least for the reason that Asada (US 2003/0030732) is <u>not</u> a valid prior art reference to be cited to reject the present invention.

In order to qualify as prior art under 35 U.S.C. **102(b)**, the effective date of reference must be more than one year prior to the U.S. filing date of the present application. Asada (US 2003/0030732) has a publication date of <u>February 13, 2003</u> which is <u>not</u> more than one year prior to the filing date (i.e., July 14, 2003) of the

present application, namely, July 14, 2002. Accordingly, Asada is not a valid prior art reference under 35 U.S.C. **102(b)**.

In order to qualify as prior art under 35 U.S.C. **102(e)**, a reference must have an effective U.S. filing date earlier than the "the invention by the applicant for patent". Therefore, under 35 U.S.C. 102(e), the effective date of a reference is the U.S. filing date, and the effective date of the present application of the applicant is the date of invention. It is well established that the applicant can rely on foreign priority under §119(a) to show an earlier date of invention which antedates the U.S. filing date of the application of the applicant. The present application was filed in the U.S. on July 14, 2003, however, with foreign priority claimed under §119(a) over Korean Patent Application 2002-40972 filed on July 13, 2002 in Korean Intellectual Property Office. The certified copy of the priority document was duly submitted to the U.S. Patent and Trademark Office together with the filing of this application, and receipt of the same has been acknowledged by the U.S. Patent Office. Therefore, the effective date of the present application for the consideration of 35 U.S.C. §102(e) is the foreign priority date of July 13, 2002. Asada (US 2003/0030732) has the effective U.S. filing date of August 2, 2002 which is later than the foreign priority date (i.e., July 13, 2002) of the present application. Accordingly, Asada is not a valid prior art reference under 35 U.S.C. **102(e)**.

Therefore, in view of the foregoing, Asada is not a valid prior art reference under 35 U.S.C. 102(b) and 102(e). Accordingly, the rejection of claims 1-3, 6, 7, 9-14 and 20-21 under 35 U.S.C. 103(a) is improper and should be withdrawn.

Moreover, further details of patentability of the claims are discussed herein. As specifically recited in independent claims 1 and 20, **claims 1-3, 6, 7, 9-14 and 20-21** each requires, among others, the limitation of: the menu option and the user input unit further enabling the user to record a sound, the sound recorded being stored in

the rewritable memory (or the flash memory with regard to claims 20-21), and further enabling the user to select the sound recorded as the start sound of the camera.

Applicant respectfully submits that none of the cited references of record teaches, among others limitations, at least the above-identified limitation of the invention as claimed in claims 1-3, 6, 7, 9-14 and 20-21.

Prabhu et al., the primary reference of the rejection, discloses a method for customizing a digital camera for at least one particular user. However, as detailed below, Prabhu et al. fails to disclose or teach the required feature that the menu option and the user input unit further enable the user to record a sound, the sound recorded being stored in the rewritable memory, and further enable the user to select the sound recorded as the start sound of the camera.

More specifically, Prabhu et al. fails to teach the use of the menu option and the user input unit that enables the user to record a sound which is subsequently stored in the rewritable memory (or the flash memory in claims 20-21) for use as the start information signal, and that further enables the user to select the sound recorded as the start sound of the camera. There is not any disclosure in the Prabhu et al. that teaches a desired sound is to be recorded by the user selection and the recorded sound is then stored in a rewritable memory of the camera for later selection (via the use of the menu option and the user input unit) as the start sound of the camera at starts up of the camera, as is required by the claimed invention. The Prabhu et al. disclosure is entirely ignorant of this claimed feature. In addition, Applicant further notes that the Examiner has also acknowledged that Prabhu et al. fails to disclose this claim limitation. See Office Action at Page 8, first paragraph.

Applicant submits that none of other prior art references of record, including Hatanaka (US 6,438,320), discloses or teaches this claim limitation, namely, the use of the menu option and the user input unit that enables the user to record a sound which

is subsequently <u>stored in the rewritable memory</u> for use as the start information signal, and that further enables the user <u>to select the sound recorded</u> <u>as the start</u> <u>sound of the camera</u>.

Accordingly, Prabhu et al. and other references of record fail to disclose or teach, among others, the above-identified limitation of the claimed invention. In view of the foregoing, claims 1-3, 6-7, and 9-14 and 20-21 are patentable over the references of record under 35 U.S.C. 103(a).

Discussion of Claims 16-19

Claims 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Prabhu et al. (US 7,019,778).

As recited in independent claim 16, claims 16-19 each requires among other limitations: (i) said setting-up the start information signal being performed through execution of a start information setting algorithm with a microcontroller of the camera and without ever connecting the camera to an external computer for selecting, configuring, customizing or setting the start information signal by the external computer; (ii) said setting-up the start information signal being performed by selecting desirable start information from a group consisting of a sound data recorded or inputted by the user, image data stored in the memory medium, sound data stored in a flash memory of the camera, and image data stored in the flash memory.

Prabhu et al. fails to disclose or teach, among others, the above-identified limitations (i) and (ii) of claims 16-19.

First, Prabhu et al. fails to disclose or teach the limitation (i) that said setting-up of the start information signal is performed <u>through execution of a start information</u> <u>setting algorithm with a microcontroller of the camera</u> and <u>without ever connecting</u> <u>the camera to an external computer for selecting, configuring, customizing or setting</u>

the start information signal by the external computer. To the contrary, Prabhu et al. merely discloses a method for customizing a digital camera for at least one particular user with an external computer having a specific application program for downloading, customizing and setting up the firmware components of the camera.

Moreover, nowhere in the Prabhu et al. disclosure suggests or teaches setting up of a start information signal with a user input unit coupled with a menu option for setting the start information signal, said setting-up the start information signal being performed by selecting desirable start information from a group consisting of a sound data recorded or inputted by the user, image data stored in the memory medium, sound data stored in a flash memory of the camera, and image data stored in the flash memory, which is further required by the above-identified limitations of the claimed invention.

In this regard, the Examiner alleges that Prabhu et al. discloses this feature as column 14, lines 22-29, suggests "the user selects their name or start information signal at startup by selecting from the menu and the processor selects the desired GUI image to display from the Flash EPROM 28".

Applicants, however, respectfully traverse. Prabhu et al., column 14, lines 22-29, recites: "When the digital camera 10 is powered on, a list of users is displayed on the image display 22 and the user selects their name using the camera user interface 24. In response to this user input, the processor 18 uses the appropriate firmware components or firmware settings stored in the Flash EPROM 28 to provide the customized camera GUI and feature set for that particular user." (Emphasis added.) This disclosure suggests mere selection of one user's name among multiple users, Thus, it is not related to the claimed feature of setting a start information signal (which signal is to be reproduced at startup of the camera) with a user input unit coupled with a menu option, and particularly, by selecting desirable start information

from a group consisting of <u>a sound data recorded or inputted by the user, image data stored in the memory medium, sound data stored in a flash memory of the camera, and image data stored in the flash memory</u>.

In order to reject a claim in view of prior art, "<u>all words in a claim</u> must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). To establish a prima facie case of obviousness under 35 U.S.C. 103, the prior art reference must teach or suggest <u>all the claim limitations</u>. See MPEP 2143 et seq. Applicant submits that Prabhu et al. (and other references of record) fail to disclose or teach all the claim limitations (all words in the claims) of claims 16-19, in particular, the above-identified limitations (i) and (ii).

Accordingly, in view of the foregoing, Prabhu et al. clearly fails to disclose or teach, among others, the above-identified limitations of the invention as claimed in claims 16-19. Therefore, claims 16-19 are patentable over Prabhu et al. under either 35 U.S.C. 102(e) or 35 U.S.C. 103(a).

Conclusion

In view of the above remarks, Applicants submit that all of the pending claims of the present application, namely Claims 1-3, 6-7, 9-14 and 16-21, are patentable over the references of record and in condition for allowance. Favorable reconsideration and early notice to that effect is earnestly solicited.

Respectfully submitted,

February 1, 2008

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